

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

United States of America
v.
JOSE LOUISE TRUJILLO
(year of birth 2001)

Case No. **23 MJ 21**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 3, 2023 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|------------------------------------|--|
| 18 USC § 922(o) | Possession of a machinegun; |
| 18 USC §§ 841 (a)(1) and (b)(1)(B) | Possession with intent to distribute more than 40 grams but less than 400 grams of fentanyl; |
| 18 USC § 924(c) | Possession of a firearm in furtherance of a drug trafficking crime |

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

John W. Howard, FBI/SA

Printed name and title

Telephonically sworn and electronically signed.

Date: 01/06/2023



Judge's signature

City and state: Albuquerque, New Mexico

Hon. John F. Robbenhaar, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, John W. Howard, being duly sworn, depose and state:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been an FBI Special Agent since 2004. I am currently assigned to the Albuquerque Violent Crime Task Force (VCTF). I primarily investigate career offenders involved in federal drug and firearm related crimes. I am submitting this affidavit in support of a criminal complaint and arrest warrant charging JOSE LOUISE TRUJILLO (TRUJILLO) with the following violations of the United States Code:

- a. 18 U.S.C. § 922(o), possession of a machinegun;
- b. 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), possession with intent to distribute more than 40 grams but less than 400 grams of fentanyl; and
- c. 18 U.S.C. § 924(c), possession of a firearm in furtherance of a drug trafficking crime.

Statement of Probable Cause:

2. On or about January 3, 2023, a vehicle being driven by TRUJILLO was stopped by a Bernalillo County Sheriff's Office Deputy due to an obstructed license plate and expired tags.

3. During the traffic stop, the deputy found that TRUJILLO had a warrant for his arrest. TRUJILLO was taken into custody.

4. While inventorying the vehicle following TRUJILLO's arrest, the deputy found two baggies in the center console with blue pills marked "M" and "30". One baggie contained approximately 496 pills. The second baggie contained 397 pills. Based on my training and experience and that of Special Agents I work with, blue pills marked with an "M" and a "30" are counterfeit oxycodone made with fentanyl.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

5. On January 6, 2023, the Drug Enforcement Agency conducted a test of the pills and the results were presumptive positive for fentanyl.

6. While inventorying the trunk on the vehicle, the deputy found two firearms. One was a GLOCK 17 Gen 4 with a drum magazine inserted and a full-auto selector switch. A round was in the chamber. The second pistol was an American Tactical AR pistol chambered in 300 BLK. It also had a magazine inserted and a round chambered.

7. Further inventory of the vehicle located hundreds of small baggies as well as \$3,036 in U.S. currency in various denominations.

8. Based on my training and experience, the amount of pills located here—nearly 900 pills—exceeds the amount consistent with personal use. The amount of pills, accompanied by smaller baggies and large amounts of currency in varying denominations, is indicative of narcotics trafficking.

Firearm Examination and Interstate Nexus:

9. On January 6, 2023, FBI SA Bryan Acee and I conducted examinations and function checks on the firearms seized. Each of the firearms functioned as designed. The firearms seized from the vehicle being driven by TRUJILLO were manufactured by Glock and American Tactical. With regard to interstate commerce, I am aware neither of those companies manufacture firearms in New Mexico.

10. SA Acee, a Certified Firearms Specialist, inspected the Glock pistol full-auto selector switch and advised the device was considered, by itself, to be a machinegun. More specifically, 26 U.S.C. § 5845 defines a machinegun as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

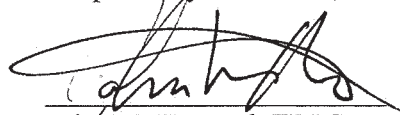
any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

11. On January 5, 2023, I learned from law enforcement with the Albuquerque Police Department (APD) that TRUJILLO had made calls while in custody at the Metropolitan Detention Center following his arrest. During at least one of these calls, TRUJILLO acknowledged that the firearms seized from the vehicle were his by stating something to the effect of, "They [meaning law enforcement] found my guns."

Conclusion:

12. Based on the above information, I believe there is probable cause to charge TRUJILLO with violations of: 18 U.S.C. § 922(o) possession of machinegun; 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), possession with intent to distribute more than 40 grams but less than 400 grams of fentanyl; and 18 U.S.C. § 924(c), possession of a firearm in furtherance of a drug trafficking crime. This criminal complaint was approved by AUSA Sarah Mease.

Respectfully submitted,



John W. Howard, FBI SA
VIOLENT CRIME TASK FORCE

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

SUBSCRIBED ELECTRONICALLY AND SWORN

TELEPHONICALLY TO ME ON JANUARY __6__, 2023:

A handwritten signature in black ink, reading "John F. Robbenhaar". The signature is written in a cursive style with a large initial "J".

THE HONORABLE JOHN F. ROBBENHAAR
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO